

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Application No.:

Filing Date:

Applicant: **Terry L. Turner et al**

Group Art Unit: **3721**

Examiner: **Nathaniel C. Chukwurah**

Title: **Power Tool With Battery Pack Ejector**

Attorney Docket: **0275S-510COB**

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. XX Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

09/938,202

U.S. Filing Date

August 24, 2001

C. Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. See the attached foreign patent office communication from a counterpart foreign application;
2. English translations are provided;
3. Other:

C. The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. 37 C.F.R. § 1.97(b): (check only one box)

1. _____ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2. _____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3. _____ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4. XX before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. 37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
2. _____ See the certification below. No fee is required.

C. 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. _____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B. no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates

the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

By: 

W. R. Duke Taylor
Reg. No. 31,306

Dated: April 19, 2004

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FORM HDP-1449 (Based on Form PTO-1449)		ATTORNEY DOCKET NO.	SERIAL NO.
		0275S-510/COB	
		APPLICANT	
		Terry L. Turner et al	
		FILING DATE	GROUP
			3721

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		D.364,463	11/1995	Pitzen et al		
2.		2,261,230	11/1941	Cox et al		
3.		2,460,149	01/1949	Schoensiegel		
4.		3,120,845	02/1964	Horner		
5.		3,494,799	02/1970	Pedone, Jr.		
6.		3,734,207	05/1973	Fishbein		
7.		3,943,934	03/1976	Bent		
8.		3,999,110	12/1976	Ramstrom et al		
9.		4,050,528	09/1977	Foltz et al		
10.		4,091,880	05/1978	Troutner et al		
11.		4,146,682	03/1979	Nakao		
12.		4,191,917	03/1980	Brown et al		
13.		4,386,609	06/1983	Mongeon		
14.		4,441,563	04/1984	Walton, II		
15.		4,447,749	05/1984	Reeb, Jr., et al		
16.		4,728,876	03/1988	Mongeon et al		
17.		4,736,742	04/1988	Alexson et al		
18.		4,751,452	06/1988	Kilmer et al		
19.		4,834,092	05/1989	Alexson et al		
20.		4,835,410	05/1989	Bhagwat et al		
21.		4,871,629	10/1989	Bunya		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION**
(Use several sheets if necessary)

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0275S-510/COB	
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Terry L. Turner et al	
FILING DATE	GROUP
	3721

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		4,873,461	10/1989	Brennan et al		
23.		5,026,384	06/1991	Farr et al		
24.		5,089,738	02/1992	Bergqvist et al		
25.		5,122,427	06/1992	Flowers et al		
26.		5,136,469	08/1992	Carusillo et al		
27.		5,207,697	05/1993	Carusillo et al		
28.		5,208,525	05/1993	Lopic et al		
29.		5,213,913	05/1993	Anthony, III et al		
30.		5,225,293	07/1993	Mitchell et al		
31.		5,235,261	08/1993	Philipp		
32.		5,242,767	09/1993	Roback et al		
33.		5,244,755	09/1993	Benoist et al		
34.		5,263,972	11/1993	Evans et al		
35.		5,298,821	03/1994	Michel		
36.		5,306,285	04/1994	Miller et al		
37.		5,308,716	05/1994	Shababy et al		
38.		5,350,317	09/1994	Weaver et al		
39.		5,360,073	11/1994	Akazawa		
40.		5,388,749	02/1995	Davignon et al		
41.		5,394,073	02/1995	Nagai		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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INFORMATION DISCLOSURE CITATION
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Sheet 3 of 4

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		5,399,446	03/1995	Takahashi		
43.		5,553,675	09/1996	Pitzen et al		
44.		5,602,454	02/1997	Arakawa et al		
45.		5,637,417	06/1997	Engmark et al		
46.		5,660,945	08/1997	McCormick et al		
47.		5,663,011	09/1997	Bunya et al		
48.		5,681,667	10/1997	Bunya et al		
49.		5,792,573	09/1998	Pitzen et al		
50.		5,869,204	02/1999	Kottke et al		
51.		5,881,823	03/1999	Kabatnik et al		
52.		6,168,881	01/2001	Fischer et al		
53.		6,223,835 B1	05/2001	Habedank et al		
54.		6,357,533 B1	03/2002	Buchholz et al		
55.		6,376,942 B1	04/2002	Burger et al		
56.		6,412,572 B2	07/2002	Habedank et al		

FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
1.		0374600	06/1990	EPO (Related to US 5,208,525)		

Examiner:	Date Considered:
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PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Sheet 4 of 4

FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
2.		0 707 350 A1	4/1996	EPO		
3.		0 776 080 A2	5/1997	EPO		
4.		0 778 627 A1	6/1997	EPO		
5.		1 030 835 A1	8/2000	EPO		
6.		1 030 386 A1	8/2000	EPO		
6.		1 036 636 A1	9/2000	EPO		
7.		1 128 517 A2	8/2001	EPO		
8.		3502449	08/1985	Germany		
9.		9002514	08/1991	Germany		
10.		4 208 804	09/1993	Germany		
11.		43 31 187 C2	4/1998	Germany		
12.		195 49 398 C2	4/1998	Germany		
13.		100 40 893 A1	8/2001	Germany		
14		WO 91/03092	03/1991	WIPO		
15.		4-328937	11/1992	Japan		

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.